

**MINUTES OF THE REGULAR MEETING OF THE PLANNING BOARD OF
THE VILLAGE OF IRVINGTON HELD IN THE TRUSTEES' ROOM,
VILLAGE HALL, ON WEDNESDAY, DECEMBER 4, 1996.**

Members Present: Patrick J. Gilmartin, Chairman
Robert Buford
William Hoffman, Secretary
Peter Lilienfield

Members Absent: William Bush

Also Present: Brenda Livingston & Joseph Elliot, Ad
Hoc Planning

Board Members
Kevin J. Plunkett, Village Counsel
Ralph G. Mastromonaco, Planning Board
Consultant
Florence Costello, Planning Board Clerk
Eugene Hughey, Building Inspector
Thomas Jackson, E.C.B. Chair
Applicants and other persons mentioned in
these Minutes
Members of the Public.

**IPB Matters
Considered:**

- 96-13 -- Louis Goodkind**
Sht. 10F, Bl. 253, Lot 15
- 96-28 -- Irvington Associates**
Sht. 12B, Lot #37
- 96-29 -- Renato Rancic**
Sht. 13B, P9B,P25A,P68A, Lot #1
- 96-30 -- Renato Rancic**
Sht. 13B, P9B,P25A,P68A, Lot #3
- 96-31 -- Henry W. Fries Real Estate**
Sht. 11, P-59, 60, 61
- 96-32 -- Sonia Cohen**
Sht. 10A, Bl. 226, Lot 11
- 96-33 -- Sonia Cohen**
Sht. 10A, Bl. 226, Lot 12
- 96-34 -- Sonia Cohen**
Sht. 10A, Bl. 226, Lot 15
- 96-35 -- Robert A. & Katherine J. Mackie**
Sht. 2, P2
- 96-36 -- O'Hara/Hickey**
Sht. 15, P121, P121F
- 96-37 -- Ettore D'Alessio**
Sht. 13, P141A
- 96-38 -- Chet & Susan Morton**

Sht. 13B, P11F

The Chairman called the meeting to order at 8:00 P.M.

IPB Matter #96-28:
Associates for Site

#37, Legend

Application of Irvington
Development Plan Approval for Lot
Hollow Subdivision.

James Ryan, R.L.A., of John Meyer Consulting, David S. Steinmetz, Esq., of Shamberg Marwell Cherneff Hocherman Davis & Hollis, P.C., and Craig Studer, Project Manager at Legend Hollow, appeared for the Applicant. Applicant paid an application fee of \$250 and provided an Affidavit of Publication and evidence of mailing of required Notice to Affected Property Owners. The Chairman opened the Public Hearing regarding Lot #37. There were no comments from the public. The Board closed the Public Hearing and took the following action. It approved "Site Plan (Lot #37), dated 11/06/96, revised 11/22/96 and 12/03/96" which revisions incorporated changes requested by the Planning Board during its site walk inspection plus comments from the Board's Consulting Engineer.

IPB Matter #96-36:
O'Hara & Katherine

Determination
subdivision for

Application of Walter T.
O'Hara Hickey for Site Capacity
and informal discussion of
property at One Hudson Road East.

Gerald D. Reilly, Esq., appeared for the Applicant. Applicant paid \$150 application fee for an Application for Determination of Site Capacity. Submitted "Survey/Site Plan prepared for Walter O'Hara, Jr. & Katherine O'Hara Hickey" by Charles Riley Land Surveyor dated November 21, 1996.

The Board reviewed the decision of the Supreme Court of the State of New York that essentially says that a denominator of 20,000 must be used for site capacity determination. During the informal discussion, the Board requested that the survey/site plan be redone to show the

location of the 25%/15% slopes. It was agreed that the site capacity determination discussion would be continued during the subdivision determination review.

IPB Matter #96-38:
Morton for Waiver

Application of Chet & Susan
of Site Development Plan Approval
for property
at 3 Lewis Road.

Robert Reilly, Architect, appeared on behalf of the Applicant. Applicant paid the required application fee and provided evidence of mailing of required Notice to Affected Property Owners. Applicant proposes to construct a new second floor (bedrooms/bath) to the existing one story dwelling. The project will include the renovation of the existing first floor and garage. Approximately 1,350 sq. ft., 11,000 cu. ft. for new second floor, new first floor extension 200 sq. ft , renovation of existing first floor 1,800 sq. ft.

The Chairman, with the Board's concurrence, stated that the application would be treated as a Request for a Waiver of Site Development Plan Approval. Robert and Jean Goldfarb, neighbors, had some questions regarding the plan which were answered by Mr. Reilly to their satisfaction.

After discussion, on motion duly made, seconded and unanimously approved, the Board then adopted the following Resolution:

WHEREAS, the Planning Board has determined in accordance with Section 243-71 of the Village Code that the proposed addition meets conditions which permit Site Development Plan Approval to be waived in the (1) special conditions peculiar to the site exist to make submission of information normally required as part of an application for Site Development Plan Approval inappropriate or unnecessary, including the facts that the proposed construction will not affect any environmental features or resources requiring protection , and will not require major site disturbance or removal of any significant trees, (2) that in these circumstances to require strict compliance with the requirements for Site Development Plan Approval may cause extraordinary or unnecessary

hardship; and (3) that the waiver of requirements for Site Development Plan Approval will not have detrimental effects on the public health, safety or general welfare, or have the effect of nullifying the intent and purpose of Site Development Plan submission, the Official Map or Comprehensive Land Use Plan, or Zoning Ordinance of the Village of Irvington, or of any Local Law adopting or amending any of said Map, Plan or Ordinance, **NOW, THEREFORE,** the Planning Board hereby waives all requirements for Site Development Plan Approval for this Application.

IPB Matter #96-13: **Application of Louis**
Goodkind for Site Capacity
Determination & Proposed
Subdivision for
property at Harriman Road &
Fieldpoint Drive.

Gerald D. Reilly, Esq., appeared for the Applicant. This was a continuation of the Site Capacity determination. It was concluded that the 35,460 sq. ft. wetland deduction correctly included the watercourses (2,840 sq. ft.) and flood plains (7,820 sq. ft.), and that no borings to determine the limits of the wetland zones will be required. Based on the information submitted by the Applicant, including a report dated December 1, 1992 from Hudsonia concerning the wetlands, the Board determined the site capacity to be two dwelling units although two units may not be buildable because of other requirements of the Village Zoning Ordinance and Subdivision Regulations.

IPB Matter #96-32, 33, 34: **Application of Sonia**
Cohen for Determination of
Site Capacity for property at
Riverview Road.

Dr. & Mrs. Cohen appeared personally for Site Capacity Determination. Applicant paid an application fee of \$450.00 (3 lots @ \$150).

the site, a goal which had been a major concern of the Board from the start of the subdivision process for this property. The Applicant was told that a drainage report would be needed for houses of this size.

The Applicant was asked to take these comments "under advisement". The Planning Board will wait for comments from the Architectural Review Board and hold further discussion for the January meeting.

IPB Matter #96-37:

Application of Ettore

D'Alessio for Informal

Discussion for property at 27

Hamilton Road.

Christina Griffin, Architect, appeared for the applicant for an informal discussion regarding a proposed subdivision at Hamilton Road.

In the discussion of the preliminary site plan three issues were identified for further investigation by the Applicant, namely (1) the possibility that access through the garden apartments adjacent to the site and fronting on Broadway will require permission from the owner of the garden apartment property since the Board has not found any record of a public road through it, (2) a Zoning Board variance may be required if there is a problem with frontage on a public street, and (3) whether a two-family residence in the multi-family zoning district requires ZBA approval.

IPB Matter #96-31:

Application of Henry W.

Fries Real Estate for

Informal Discussion for property

at Park

Avenue.

Mr. Henry Fries appeared personally. Applicant has expressed interest in acquiring ten acres of Village owned property for a 3-6 unit residential subdivision.

The problem is that the parcel is landlocked and access would be needed either from Park Avenue (an extension of Harriman Road) which is a paper street, or from Hermits Road, a Village right-of-way off Peter Bont Road. Mr. Fries was told by the Chairman that his understanding of the law was that the owner of the property on a paper street has the right to build that street but whether that would be economic is for the developer to decide. An alternative option would be to

make an agreement with owners of the adjacent property for access. The Chairman stated that he would advise the Village Board of Trustees of the situation and get some input on future direction.

IPB Matter #96-35:
Katherine J. Mackie

Application of Robert A. &
for Site Capacity Determination
for property at
31 Matthiessen Park.

Norman Sheer, Esq., appeared for the application. Applicant paid an application fee of \$150.00. The Board reviewed the preliminary Site Development Plan. The Site Capacity was determined to be "at least one dwelling unit". If the Applicant desires a building permit for more than one dwelling unit, a detailed analysis will be needed. Mr. Sheer stated that the applicants are not interested in more than one.

The Board then considered the following administrative matters:

- Jock Thornton, Esq. appeared for an informal discussion regarding possible subdivision of the Langdon Stevenson property on Field Terrace into two lots. Issues identified were whether the proposed lot is buildable, and what the access and sewer and water hookup would be.
- Minutes of the Planning Board held on November 6, 1996, previously distributed, were on motion duly made and seconded, approved.
- The next regular meeting of the Planning Board was scheduled for January 8, 1997.

There being no further business, the meeting was adjourned.

Respectfully submitted,

Secretary

William Hoffman,